IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 228 OF 2004

IN

FAMILY COURT APPEAL (S) NO. 28959 OF 2004

Office Notes, Office Memoranda of : coram, appearances, Court's Orders: or directions and Registrar Orders:	Court's or Judge's orders

Mr.R.T. Lalwani for the applicant.

Mr.N.Y. Gupte for the respondent.

CORAM : H.L. GOKHALE &
R.S. MOHITE, JJ.

DATE : 7TH DECEMBER 2004

P.C. :

1. Heard Mr.Lalwani for the applicant in support of this Civil Applicant. Mr.Gupte appears for the respondent.

2. This Civil Application filed by the husband contains various prayers. He seeks a stay on the maintenance which we are not inclined to grant. He also seeks a stay on the order not to dispossess the wife from the premises which she is occupying, which we are rejecting. Prayer (c) seeks suitable

access. As far as this prayer is concerned, we have heard Mr.Gupte for the respondent wife. She is also present in Court. She has stated that she has no objection to the court passing an appropriate order.

3. In the circumstances, we permit the husband to visit the residence of the wife on the every first and third Sunday at 9.00 a.m. and take the children for access and return them by 5.00 p.m. in the evening. We however make it clear that in the month prior to the annual examinations, he will not take the children for access. Similarly, as far as the vacations are concerned, the husband will have the liberty to take the children with him during the first half of the Diwali and the May Vacation and return them back at the end of the access period.

4. No other order as far as this Civil Application is concerned. Civil Application stands disposed of.

(H.L. GOKHALE, J.)

(R.S. MOHITE, J.)